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United States of America

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
FERNANDO CASTRO BAZAN,  
  
Defendant.

CASE NO. 2:21-CR-00196-DJC  
  
STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER  
  
DATE: April 25, 2024  
TIME: 9:00 a.m.  
COURT: Hon. Daniel J. Calabretta

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on April 25, 2024. ECF No. 56.
2. On April 28, 2022, a federal grand jury in the Southern District of California returned an indictment against Mr. Bazan and two other defendants. *United States of America v. Castro Bazan et al*, 3:22-CR-971-JO. The defendant was arrested for this offense on June 30, 2022, and remains in custody for this separate federal case. Order of detention, 3:22-CR-971-JO, ECF No. 52. Mr. Bazan has since entered guilty pleas on this separate case. 3:22-CR-971-JO, ECF No. 132. His sentencing hearing in that case was recently continued to May 17, 2024. 3:22-CR-971-JO, ECF No. 192.
3. By this stipulation, defendant now moves to continue the status conference until July 18, 2024, at 9:00 a.m., and to exclude time between April 25, 2024, and July 18, 2024, under Local Codes

1 T4 and M.

2 4. The parties agree and stipulate, and request that the Court find the following:

3 a) The government has represented that the discovery associated with this case  
4 includes investigative reports, undercover surveillance footage, recorded calls in English and  
5 Spanish, phone records and other evidence.

6 b) Counsel for defendant desires additional time to consult with her client, review  
7 the current charge, to conduct investigation and research related to the charge, to review and  
8 copy discovery, to discuss potential resolutions with her client, and to otherwise prepare for trial.

9 c) Counsel for defendant believes that failure to grant the above-requested  
10 continuance would deny her the reasonable time necessary for effective preparation, taking into  
11 account the exercise of due diligence.

12 d) The government does not object to the continuance.

13 e) Based on the above-stated findings, the ends of justice served by continuing the  
14 case as requested outweigh the interest of the public and the defendant in a trial within the  
15 original date prescribed by the Speedy Trial Act.

16 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
17 et seq., within which trial must commence, the time period of April 25, 2024 to July 18, 2024,  
18 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
19 because it results from a continuance granted by the Court at defendant's request on the basis of  
20 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
21 of the public and the defendant in a speedy trial.

22 g) Given the defendant's current unavailability as a result of his custody in another  
23 district, this exclusion of time is also appropriate under 18 U.S.C. § 3161(h)(3)(A) [Local Code  
24 M].

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5. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: April 2, 2024

PHILLIP A. TALBERT  
United States Attorney

/s/ ADRIAN T. KINSELLA  
ADRIAN T. KINSELLA  
Assistant United States Attorney

Dated: April 2, 2024

/s/ NOA OREN  
NOA OREN  
Counsel for Defendant  
FERNANDO CASTRO BAZAN

**ORDER**

IT IS SO FOUND AND ORDERED this 2<sup>nd</sup> day of April, 2024.

/s/ Daniel J. Calabretta  
THE HONORABLE DANIEL J. CALABRETTA  
UNITED STATES DISTRICT JUDGE